

**FILED**

**NOT FOR PUBLICATION**

**JUL 21 2006**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ROBERTO CANO-RAMIREZ,

Defendant-Appellant.

No. 05-50158

D.C. No. CR-04-01118-ER

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Edward Rafeedie, District Judge, Presiding

Submitted February 16, 2006\*\*  
Submission Deferred March 1, 2006  
Resubmitted July 17, 2006  
Pasadena, California

BEFORE: CANBY, KLEINFELD, and BERZON, Circuit Judges.

We affirm the 60-month sentence the district court imposed on Roberto  
Cano-Ramirez after he pleaded guilty to being an illegal alien found in the United

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\* This disposition is not appropriate for publication and may not be cited to  
or by the courts of this circuit except as provided by Ninth Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral  
argument pursuant to Fed. R. App. P. 34(a)(2).

States following deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a). *United States v. Plouffe*, 445 F.3d 1126, 1130 (9th Cir. 2006).

We review Cano-Ramirez's ultimate sentence for reasonableness in light of the factors in 18 U.S.C. § 3553(a). *United States v. Booker*, 543 U.S. 220, 260-63 (2005).

Cano-Ramirez's 60-month sentence, which was below the guideline range, is reasonable. The judge considered the § 3553(a) factors that should have received significant weight, did not give significant weight to improper or irrelevant § 3553(a) factors, and imposed a sentence well within the limited range of choice dictated by the facts of the case. *See United States v. Zavala*, 443 F.3d 1165, 1168-69 (9th Cir. 2006). Although the judge did not explicitly analyze each of the § 3553(a) factors, his discussion reflects many of them and establishes adequate consideration of the statutory factors. *See United States v. Knows His Gun*, 438 F.3d 913, 919 (9th Cir. 2006). The judge considered Cano-Ramirez's history and characteristics when he relied on his family background, physical disability, and stable employment. *See* 18 U.S.C. § 3553(a)(1). The judge weighed Cano-Ramirez's need for drug rehabilitation and medical treatment when he recommended drug treatment and counseling as part of his incarceration. *See*

18 U.S.C. § 3553(a)(2)(D). The judge noted that five years sufficiently reflected the seriousness of the offense and the need to provide just punishment. *See* 18 U.S.C. § 3553(a)(2)(A). The judge properly calculated the guidelines range. *See* 18 U.S.C. § 3553(a)(4) & (5). The court considered and rejected Cano-Ramirez’s argument that his alcohol abuse was a mitigating factor because his prior criminal acts were minor and committed while he was intoxicated. The judge discussed Cano-Ramirez’s argument and distinguished the principal case upon which it was based, *United States v. Bad Marriage*, 392 F.3d 1103 (9th Cir. 2004). The judge rejected Cano-Ramirez’s argument that the abuse he suffered as a child was a mitigating factor for his drug offenses because there was little connection between the child abuse and later drug possession.

In balancing the sentencing goals expressed in the § 3553(a) factors, the judge noted that Cano-Ramirez’s criminal history “is perhaps not as bad as it looks” and his family background, physical disability, and stable employment made a below-guidelines sentence appropriate. In short, the judge’s reasoned discussion indicates that he properly “considered” the § 3553(a) factors. We agree that Cano-Ramirez’s 60-month sentence is reasonable in light of the § 3553(a) sentencing factors. *See United States v. Cantrell*, 433 F.3d 1269, 1279 (9th Cir. 2006).

**AFFIRMED.**